

Scianni, Melissa

From: David Lewis <dlewis@savesfbay.org>
Sent: Friday, May 16, 2014 2:07 PM
To: Quast, Sylvia
Cc: Stephen Knight
Subject: Sylvia - more documents for your edification
Attachments: NPS USACE Wetland Cert 4-08.pdf; Napa Plant Site Corps Permitsmall.pdf; Wetland Delin Scan.pdf

I mentioned that the State Department of Fish and Game had received a jurisdictional determination and permit from USACE for tidal marsh restoration of salt ponds at the Napa Plant Site. The crystallizers at that site were transferred to the state as part of the larger salt pond acquisition in 2003 – they are very similar to the crystallizers Cargill still owns in Redwood City.

See the attached April 24, 2008, letter from USACE to California DFG, and the permit signed by DFG and USACE in May 2008 for tidal marsh restoration of the ponds at the Napa Plant Site, based on the attached delineation from November 2006. The delineation map showed historical Section 10 jurisdiction applying to channels from the 1856 survey of the area, which are visible on April 2004 ortho photos of Napa County. Within the area, 8.8 acres were delineated as wetlands; 1,228.6 acres were delineated as non-wetland waters of the U.S.; the historic section jurisdiction covered a total of 18.5 acres along 2 major historic slough channels. Levee with elevations above MHW were found to be outside the Corps' jurisdiction.

Legend for the pink stipple reads "Non Wetland Waters of the U.S." – I have a 5MB resolution version if you want.

EPA-9 actually was unaware that USACE was considering this JD until we brought it to staff's attention in December 2007. We encouraged EPA make an inquiry to USACE, at minimum to ensure that they were appropriately notifying and consulting with USEPA on such matters, and because the particular jurisdictional issues around salt ponds were already of high interest with Cargill pursuing development on the Redwood City site. USACE did not consult before issuing the 2008 JD, but EPA staff were not unhappy with the substantive outcome, and it also seemed to bode well for a similar JD in Redwood City. That, of course, is currently being tested.

See also [A Tale of Two Salt Ponds \(Mercury News\)](#)

<http://blog.savesfbay.org/2013/03/case-study-napa-salt-ponds-and-federal-oversight-of-the-bay/>

http://www.sfbayjv.org/projects_napa_sonoma_marshes.php

Stephen or I can answer additional questions about this if you wish.

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David Lewis
Executive Director, Save The Bay
dlewis@saveSFbay.org
510.463.6802
www.saveSFbay.org
[@saveSFbay](#) [@SFBayDavid](#)

We can restore the Bay. Everyone just needs to dig a little.